

1. As to paragraph 1, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

2. As to paragraph 2, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

3. As to paragraph 3, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

4. As to paragraph 4, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

5. As to paragraph 5, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but,

to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

6. As to paragraph 6, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

7. As to paragraph 7, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

8. As to paragraph 8, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

9. As to paragraph 9, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

10. As to paragraph 10, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

11. As to paragraph 11, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

12. As to paragraph 12, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

13. As to paragraph 13, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

14. As to paragraph 14, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but,

to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

15. As to paragraph 15, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

16. As to paragraph 16, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

17. As to paragraph 17, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

18. As to paragraph 18, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

19. As to paragraph 19, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

20. As to paragraph 20, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

21. As to paragraph 21, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

22. As to paragraph 22, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

23. As to paragraph 23, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but,

to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

24. As to paragraph 24, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

25. As to paragraph 25, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

26. As to paragraph 26, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

27. As to paragraph 27, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

28. As to paragraph 28, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

29. As to paragraph 29, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

30. As to paragraph 30, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

31. As to paragraph 31, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

32. As to paragraph 32, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but,

to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

33. As to paragraph 33, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

34. As to paragraph 34, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

35. As to paragraph 35, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

36. As to paragraph 36, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

37. As to paragraph 37, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

38. As to paragraph 38, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

39. As to paragraph 39, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

40. As to paragraph 40, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

41. As to paragraph 41, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but,

to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

42. As to paragraph 42, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

43. As to paragraph 43, defendants deny the allegation as stated or are without sufficient knowledge, information, or belief to admit or deny the allegation and on that basis deny the allegation. To the extent that the paragraph states a legal conclusion, no response is required but, to the extent a response to such a conclusion would be deemed required, the allegation is denied in that respect.

44. As to the prayer, defendants deny that plaintiff is due any recovery, including any damages, costs, fees, or any other relief.

45. Except as specifically admitted above, defendants specifically deny each and every other allegation of plaintiff's Complaint.

45. Defendants pray that plaintiff take nothing by the Complaint, and request that defendants be determined to be the prevailing party and be awarded costs and expenses actually incurred and reasonably necessary in connection with having to defend against the Complaint.

46. Defendants additionally request that defendants be awarded reasonable attorney fees pursuant to 42 U.S.C. Section 2000a-3(b).

AFFIRMATIVE DEFENSES

PURSUANT TO Fed. R. Civ. Pro. 8(c), defendants hereby assert the following affirmative defenses to plaintiff's Complaint specifically as follows:

FIRST AFFIRMATIVE DEFENSE – FAILURE TO STATE A CLAIM

AS A FIRST AFFIRMATIVE DEFENSE, DEFENDANTS ASSERT that plaintiff has failed to state ultimate facts sufficient to constitute a claim for relief as to each separate cause of action stated in that the Complaint does not provide the factual or legal support necessary to meet the essential elements of any claim made against defendants.

SECOND AFFIRMATIVE DEFENSE – COMPARATIVE FAULT

AS A SECOND AFFIRMATIVE DEFENSE, DEFENDANTS ASSERT as to all causes of action stated that plaintiff contributed to his own injuries as described in part or whole, and that his damages, if any, are the result of plaintiff's own fault or negligence.

THIRD AFFIRMATIVE DEFENSE – CONSENT

AS A THIRD AFFIRMATIVE DEFENSE, DEFENDANTS ASSERT as to all causes of action stated that plaintiff, through actions or words, consented to any or all of defendants' actions in all material respects.

FOURTH AFFIRMATIVE DEFENSE – NO CONSTITUTIONAL VIOLATION

AS A FOURTH AFFIRMATIVE DEFENSE, DEFENDANTS ASSERT as to all causes of action stated that no violation of any constitutional right or privilege occurred.

FIFTH AFFIRMATIVE DEFENSE

NONCOMPLIANCE WITH STATUTORY REQUIREMENTS

AS A FIFTH AFFIRMATIVE DEFENSE, DEFENDANTS ASSERT as to all causes of action stated that plaintiff failed to comply with statutory requirements and for that reason the claims are barred by operation of law.

SIXTH AFFIRMATIVE DEFENSE

DIRECT THREAT TO HEALTH OR SAFETY

AS A SIXTH AFFIRMATIVE DEFENSE, DEFENDANTS ASSERT as to all causes of action stated that plaintiff posed a direct threat to the health or safety of others in that he created a significant risk to the health or safety of others that could not be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services, and thus that 42 USC Section 12182(b)(3) entitled defendants to not be required to permit plaintiff to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations which defendants provided.

SEVENTH AFFIRMATIVE DEFENSE

NO INDIVIDUAL LIABILITY

AS A SEVENTH AFFIRMATIVE DEFENSE, DEFENDANTS ASSERT as to all causes of action stated that none of the individually named defendants had any personal participation in any of the acts or omissions alleged by plaintiff and thus that plaintiff has no valid claim against any individual for their individual liability.

JURY DEMAND

Defendants hereby demand a trial by jury.

DATED: April 1, 2024

By: 

Geordie Duckler, OSB #873780

Attorney for Attorney for Defendants JINDI
OU, STEADY STREAM, INC., MIZUMI
BUFFET, and LUCY CHEN

Submitted by:

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Attorney for Defendants JINDI OU,
STEADY STREAM, INC., MIZUMI
BUFFET, and LUCY CHEN

CERTIFICATE OF SERVICE

I certify that on the 1st day of April, 2024, I served a true and correct copy of
DEFENDANTS JINDI OU, STEADY STREAM, INC., MIZUMI BUFFET, AND LUCY
CHEN'S ANSWER AND AFFIRMATIVE DEFENSES; DEMAND FOR JURY TRIAL on:


Robert Evans Mahler
PO Box 7658
Salem, OR 97303

By mailing said document via first class mail in a sealed envelope with postage prepaid to the
address shown above, and deposited in the U.S. Mail at Portland, Oregon, on the 1st day of April,
2024.

DATED this 1st day of April, 2024

GEORDIE DUCKLER, P.C.

By:


Geordie Duckler, OSB No. 873780
Attorney for defendants